

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>KENNETH F. REEDER,</b>	)	
	)	
Petitioner,	)	
	)	
v.	)	Civ.Act.No. 07-243-SLR
	)	
<b>ELIZABETH BURRIS</b> , Acting Warden	)	
and <b>JOSEPH R. BIDEN III</b> , Attorney	)	
General for the State of Delaware	)	
	)	
Respondents. <sup>1</sup>	)	

**MOTION FOR EXTENSION OF TIME**

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, Kenneth F. Reeder, has applied for federal habeas relief, alleging error by the state courts. D.I. 1, 10. By the terms of the Court's order, the answer is due to be filed on December 3, 2007.

2. Counsel has been, and continues to be, diligently working on respondents' answer to Mr. Reeder's petition. Unfortunately, counsel has been sick for the past week and, consequently, unable to finish the answer in accordance with the court's order. Additionally, counsel will be out of the office on November 30, 2007 for a Department of Justice training event. As a result, more time is needed to complete respondents' answer.

3. Under Habeas Rule 4, the Court has the discretion to give respondents an extension of time exceeding the 40-day limit in Civil Rule 81(a)(2). *Clutchette v. Rushen*, 770

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<sup>1</sup> See Fed.R.Civ.P. 25(d)(1). Elizabeth Burris was named Acting Warden, effective September 1, 2007.

F.2d 1469, 1473-74 & n.4 (9<sup>th</sup> Cir. 1985); *Kramer v. Jenkins*, 108 F.R.D. 429, 431-32 (N.D. Ill. 1985).

4. This is respondents' first request for an extension of time in this case.
5. Respondents submit that an extension of time to and including December 21, 2007, in which to file an answer is reasonable. Respondents submit herewith a proposed order.

/s/Kevin M. Carroll  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 4836  
Kevin.Carroll@state.de.us

DATE: November 29, 2007

**RULE 7.1.1 CERTIFICATION**

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Kevin M. Carroll  
Deputy Attorney General

Counsel for Respondents

Date: November 29, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on November 29, 2007, I electronically filed the attached documents with the Clerk of Court using CM/ECF. I also hereby certify that on November 29, 2007, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

Kenneth F. Reeder  
No. 253949  
1181 Paddock Road  
Delaware Correctional Center  
Smyrna, DE 19977

/s/Kevin M. Carroll  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 4836  
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**KENNETH F. REEDER,**

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Civ.Act.No. 07-243-SLR

)

**ELIZABETH BURRIS**, Acting Warden

)

and **JOSEPH R. BIDEN III**, Attorney

)

General for the State of Delaware

)

)

Respondents.

)

**ORDER**

This \_\_\_\_ day of \_\_\_\_\_, 2007,

WHEREAS, respondents having requested an extension of time in which to file an answer, and

WHEREAS, it appearing to the Court that the requested extension is timely made and good cause has been shown for the extension,

IT IS HEREBY ORDERED that respondents' answer shall be filed on or before December 21, 2007.

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United States District Judge